



Attorney's Docket No.: MIL6136.01A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PATENT APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of Inventor(s):

LISA PATRICE MILLER

For (title):

FLUID INTAKE TRACKER

1. Type of Application

(check all applicable)

- ☒ Utility
- ☐ Design
- ☐ Plant
- ☐ Divisional
- ☐ Continuation
- ☐ Continuation of PCT designating US
- ☒ Continuation-in-part (CIP)

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this New Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date July 24, 2006 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV857124914US addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Steven L. Smith

(Type or print name of person mailing paper)



(Signature of person mailing paper)

NOTE: Each paper or fee referred to as enclosed herein has the number of the "Express Mail" label placed thereon prior to mailing. 37 CFR 1.10(b).

EV857124914US

2. Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b) (Regular) or 37 CFR 1.153 (Design) Application

14 Pages of specification

3 Pages of claims

1 Pages of Abstract

8 Sheets of drawing

 formal

X informal

 The enclosed drawing(s) include photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. 1.84(b).

26 **TOTAL PAGES (IF OVER 100 PAGES, EXCESS FEES ARE DUE)**

3. Additional papers enclosed

 Preliminary Amendment

 Information Disclosure Statement

 Form PTO - 1449

 Citations

 Authorization of Attorney(s) to Accept and Follow Instructions from Representative

 Special Comments

 Other (SPECIFY)

4. Declaration Or Oath

 Enclosed

executed by:

 inventor(s)

 legal representative of inventor(s). 37 CFR 1.42 or 1.43.

 joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.

 this is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached. (See item 15 below for fee.)

☐ Copy from a prior application (37 CFR 1.63(d)) (divisional or continuation only)

☒ Not Enclosed. Application is made by a person authorized under 37 CFR 1.41(c) on Behalf of all of the above named inventor(s).

(The declaration or oath, along with the surcharge required by 37 CFR 1.16(e) can be filed subsequently).

5. Inventorship Statement

The inventorship for all the claims in this application are:

☒ The same

or

☐ Are not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,

☐ is submitted.

☐ will be submitted.

6. Language

☒ English

☐ non-English

☐ the attached translation is a verified translation. 37 CFR 1.52(d).

7. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed

NOTE: "If the continuation, continuation-in-part, or divisional application is filed by less than all the inventors named in the prior application, a statement must accompany the application when filed requesting deletion of the names of the person or persons who are not inventors of the invention being claimed in the continuation, continuation-in-part, or divisional application." 37 CFR 1.62(a) [emphasis added] (dealing with the file wrapper continuation situation).

NOTE: "In the case of a continuation-in-part application which adds and claims additional disclosure by amendment, an oath or declaration as required by § 1.63 must be filed. In those situations where a new oath or declaration is required due to additional subject matter being claimed, additional inventors may be named in the continuing application. In a continuation or divisional application which discloses and claims only subject matter disclosed in a prior application, no additional oath or declaration is required and the application must name as inventors the same or less than all the inventors in the prior application." 37 CFR 1.60(c). (dealing with the continuation situation).

(complete applicable item (a) or (b) below)

(a) ☒ This application discloses and claims only subject matter disclosed in the prior application and the inventor(s) in this application are

☒ the same

☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted:

Name:

Name:

- (b) ☐ This application discloses and claims additional disclosure and a new declaration or oath is being filed. With respect to the prior application whose particulars are set out above, the inventors in this application are

☐ the same

☐ add the following inventors

Name:

Name:

8. Maintenance of Copendency of Prior Application

NOTE: The PTO finds it useful if a copy of the petition filed in the prior application extending the term for response is filed with the papers constituting the filing of the continuation application. Notice of November 5, 1985 (1060 O.G. 27).

☒ Extension of time in prior application

(This item must be completed and the necessary papers filed in the prior application if the period set in the prior application has run)

☒ A petition, fee and response has been filed to extend the term in the prior application until July 24, 2006.

☒ A copy of the petition for extension of time in the prior application is attached.

(complete this item and file conditional petition in prior application if previous item not applicable)

☐ Conditional Petition For Extension Of Time In Prior Application

☐ A conditional petition for extension of time is being filed in the pending prior application.

9. Fee Calculation (37 CFR 1.16)

☒ Utility Application

Basic Fee	\$300	\$	300
Search Fee	\$500	\$	500
Examination Fee	\$200	\$	200
Application Size Fee	\$250 for each 50 page block above 100 pages)	\$	

	Number filed		Number Extra		Rate	
Total Claims	20	- 20	=	0	X	\$ 50 =
Independent Claims	3	- 3	=	0	X	\$200 =
Multiple Dependent Claim Present					+	\$360 =

☐ Preliminary Amendment canceling extra claims enclosed

☐ Amendment deleting multiple-dependencies enclosed

Total Fees \$ 1,000

— **Design Application**

Basic Fee	\$200	\$ _____
Search Fee	\$100	\$ _____
Examination Fee	\$130	\$ _____
Application Size Fee	\$250 for each 50 page block above 100 pages)	\$ _____

Total Fees **\$** _____

10. Small Entity Statement

 X Applicant qualifies as a small entity under 37 CFR 1.9 and 1.27

Filing Fee Calculation (50% of above) **\$** 500

11. Fee Payment Being Made At This Time

 X Not Enclosed

 X No filing fee is to be paid at this time. (This and the surcharge required by 37 CFR 1.16(e) can/will be paid subsequently.)

— Enclosed

— filing fees **\$** _____

— petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached. (\$130.00) **\$** _____

— for processing an application with a specification in a non-English language. (\$130.00) **\$** _____

— processing and retention fee (\$130.00) **\$** _____

Total Fees Enclosed **\$** 0

12. Method of Payment of Fees

— Check in the amount of \$ _____

— Charge Account No. _____ in the amount of \$ _____.
A duplicate of this transmittal is attached.

13. Authorization to Charge Additional Fees

— The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. _____;

— 37 CFR 1.16(a), (f) or (g) (filing fees)

— 37 CFR 1.16(b), (c) and (d) (presentation of extra claims)

- ☐ 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☐ 37 CFR 1.18 (application processing fees)
- ☐ 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b))

14. Instructions As To Overpayment

- ☐ credit Deposit Account No. _____
- ☐ refund

15. Incorporation By Reference of Papers Identified Herein

Applicant(s) hereby incorporate(s) by reference all papers which are identified in this New Application Transmittal.

16. Correspondence Address


Please use the following correspondence address for all communications:

CUSTOMER NUMBER 8156

**John P. O'Banion, Reg. No. 33,201
O'BANION & RITCHEY LLP
400 Capitol Mall, Suite 1550
Sacramento, CA 95814
(916) 498-1010**

17. Signature of Attorney

Dated: July 24, 2006



SIGNATURE OF ATTORNEY

Steven L. Smith, Reg. No. 44,303

CUSTOMER NUMBER 8156



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